

By: Dutton

H.B. No. 363

A BILL TO BE ENTITLED

AN ACT

relating to peace officers commissioned and employed by public housing authorities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 392, Local Government Code, is amended by adding Section 392.067 to read as follows:

Sec. 392.067. ENFORCEMENT BY PEACE OFFICERS. (a) A housing authority may commission and employ peace officers.

(b) A peace officer commissioned under this section may make an arrest as necessary to prevent or abate the commission of an offense that:

(1) occurs on property owned or controlled by the housing authority; or

(2) involves injury or detriment to property owned or controlled by the housing authority.

(c) A person employed as a peace officer under this section has the powers, privileges, and immunities of a peace officer while performing the person's duties under this section.

(d) A peace officer, before beginning to perform any duties and at the time of appointment, must take an oath and execute a bond payable to the housing authority in the amount of \$1,000 and conditioned on faithful performance of the officer's duties. The oath and the bond must be filed with the authority.

SECTION 2. Article 2.12, Code of Criminal Procedure, as

1 amended by Chapters 272, 442, 669, and 1420, Acts of the 77th  
2 Legislature, Regular Session, 2001, is amended to read as follows:

3 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace  
4 officers:

5 (1) sheriffs, their deputies, and those reserve  
6 deputies who hold a permanent peace officer license issued under  
7 Chapter 1701, Occupations Code;

8 (2) constables, deputy constables, and those reserve  
9 deputy constables who hold a permanent peace officer license issued  
10 under Chapter 1701, Occupations Code;

11 (3) marshals or police officers of an incorporated  
12 city, town, or village, and those reserve municipal police officers  
13 who hold a permanent peace officer license issued under Chapter  
14 1701, Occupations Code;

15 (4) rangers and officers commissioned by the Public  
16 Safety Commission and the Director of the Department of Public  
17 Safety;

18 (5) investigators of the district attorneys', criminal  
19 district attorneys', and county attorneys' offices;

20 (6) law enforcement agents of the Texas Alcoholic  
21 Beverage Commission;

22 (7) each member of an arson investigating unit  
23 commissioned by a city, a county, or the state;

24 (8) officers commissioned under Section 37.081,  
25 Education Code, or Subchapter E, Chapter 51, Education Code;

26 (9) officers commissioned by the General Services  
27 Commission;

1           (10) law enforcement officers commissioned by the  
2 Parks and Wildlife Commission;

3           (11) airport police officers commissioned by a city  
4 with a population of more than 1.18 million that operates an airport  
5 that serves commercial air carriers;

6           (12) airport security personnel commissioned as peace  
7 officers by the governing body of any political subdivision of this  
8 state, other than a city described by Subdivision (11), that  
9 operates an airport that serves commercial air carriers;

10          (13) municipal park and recreational patrolmen and  
11 security officers;

12          (14) security officers and investigators commissioned  
13 as peace officers by the comptroller;

14          (15) officers commissioned by a water control and  
15 improvement district under Section 49.216, Water Code;

16          (16) officers commissioned by a board of trustees  
17 under Chapter 54, Transportation Code;

18          (17) investigators commissioned by the Texas State  
19 Board of Medical Examiners;

20          (18) officers commissioned by the board of managers of  
21 the Dallas County Hospital District, the Tarrant County Hospital  
22 District, or the Bexar County Hospital District under Section  
23 281.057, Health and Safety Code;

24          (19) county park rangers commissioned under  
25 Subchapter E, Chapter 351, Local Government Code;

26          (20) investigators employed by the Texas Racing  
27 Commission;

1           (21) officers commissioned under Chapter 554,  
2 Occupations Code;

3           (22) officers commissioned by the governing body of a  
4 metropolitan rapid transit authority under Section 451.108,  
5 Transportation Code, or by a regional transportation authority  
6 under Section 452.110, Transportation Code;

7           (23) investigators commissioned by the attorney  
8 general under Section 402.009, Government Code;

9           (24) security officers and investigators commissioned  
10 as peace officers under Chapter 466, Government Code;

11           (25) an officer employed by the Texas Department of  
12 Health under Section 431.2471, Health and Safety Code;

13           (26) officers appointed by an appellate court under  
14 Subchapter F, Chapter 53, Government Code;

15           (27) officers commissioned by the state fire marshal  
16 under Chapter 417, Government Code;

17           (28) an investigator commissioned by the commissioner  
18 of insurance under Article 1.10D, Insurance Code;

19           (29) apprehension specialists commissioned by the  
20 Texas Youth Commission as officers under Section 61.0931, Human  
21 Resources Code;

22           (30) officers appointed by the executive director of  
23 the Texas Department of Criminal Justice under Section 493.019,  
24 Government Code;

25           (31) investigators commissioned by the Commission on  
26 Law Enforcement Officer Standards and Education under Section  
27 1701.160, Occupations Code;

1           (32) commission investigators commissioned by the  
2 Texas Commission on Private Security under Section 1702.061(f),  
3 Occupations Code; ~~and~~

4           (33) the fire marshal, and any investigators  
5 commissioned by an emergency services district to assist that fire  
6 marshal, under Subchapter F, Chapter 775, Health and Safety Code;  
7 and

8           (34) officers commissioned by a public housing  
9 authority under Section 392.067, Local Government Code.

10           SECTION 3. This Act takes effect September 1, 2003.